

REMARKS

Applicant respectfully requests entry and consideration of this response even though presented after a final rejection. Applicant submits that the response does not raise new issues or require a new search. Further, entry and consideration of the response may isolate issues for potential allowance or appeal. The remarks in the response were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Claims 1-21 stand in this application. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Claims 1-21 stand rejected under 35 U.S.C. 102(a) as being anticipated by EP 1,113, 656 (Crowther). Applicant respectfully traverses the rejection, and requests reconsideration and removal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(a), the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Crowther fails to teach each and every element recited in claims 1-21 and thus they define over Crowther. For example, with respect to claim 1, Crowther fails to teach, among other things, the following language:

establishing classification categories for a user and a variety of communications transmissions effected via a packet data network.

The Office Action states that the missing language of claim 1 is disclosed by Crowther at Col. 5, lines 54-57 and Fig. 2. Office Action, Page 2. Crowther at the given cite, in relevant part, states:

[t]he pending requests queue 215 contains the pending requests (e.g., voice calls, e-mails, web forms, etc.) at particularly priority levels that are waiting to be answered by the agents.

In contrast, the claimed subject matter recites “establishing classification categories for a user and a variety of communications transmissions effected via a packet data network.” For example, a user may establish a first classification category of “any communication from Ms. X,” and a second classification category of “any email from Mr. Z.” Specification, Page 15. Crowther does not establish “classification categories for a user.” Rather, Crowther attempts to queue incoming media requests into skill sets. Each skill set comprises a set of criteria independent of the agents assigned to each skill set. Agents are then assigned to a one or more skill sets. *See* Crowther, Col. 2: Line 54 to Col. 3: Line 15, for example. Claim 1, however, recites “establishing classification categories for a user.” This may be helpful, for example, when prioritizing communications received by a given user. Although Crowther discusses the possibility of prioritization, it is always in the context of a skill set, and not for a particular user.

The Office Action attempts to provide further support for the assertion that the missing language of claim 1 is disclosed by Crowther by stating:

[t]he pending requests queue 215 as illustrated in Fig. 2 is considered as a classified queue for one customer by the examiner and containing multiple pending requests such as voice calls, e-mails, web forms, etc...(establishing classification categories for a user and a variety of communications transmissions effected via a packet data network).

Applicant respectfully disagrees. As an initial matter, claim 1 recites “establishing classification categories for a user.” A customer as described by Crowther is not “a user” as recited in claim 1. Further, it is unclear as to how pending request queue 215 comprises “a classified queue for one customer.” Pending requests queue 215 is a queue for multiple pending requests and multiple agents, none of whom are a customer. Further, the multiple pending requests are not necessarily from the same customer, and therefore pending requests queue 215 is not a queue for a particular customer. Consequently, the Office Action has failed to show how Crowther discloses “establishing classification categories for a user and a variety of communications transmissions effected via a packet data network” as recited in claim 1.

For at least the reasons given above, Crowther fails to disclose all the elements or features of claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1.

Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-6, which depend from claim 1 and, therefore, contains additional features that further distinguish these claims from Crowther. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to these claims.

Claims 7, 13 and 17 recite features similar to those recited in claim 1. Therefore, for reasons analogous to those presented with respect to claim 1, Applicant respectfully submits that claims 7, 13 and 17, and all claims directly or indirectly depending therefrom, are not anticipated and are patentable over Crowther. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to these claims.

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For at least the above reasons, Applicant submits that claims 1-21 recite novel features not shown by the cited reference. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited reference. Accordingly, Applicant submits that the claims are not anticipated in view of the cited reference. Removal of the rejection for claims 1-21 is therefore respectfully requested.

It is believed that claims 1-21 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.


Respectfully submitted,

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Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: November 23, 2004.


Deborah L. Higham

11-23-04
Date

Dated: November 23, 2004

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